MCRONE

Engineers • Land Planners • Land Surveyors

(

REPLY TO:

111 S. Cross Street Chestertown, MD 21620

September 9, 1986 2-02-4-10350

DESCRIPTION OF THE AREA PROPOSED TO BE ANNEXED ALONG THE NORTHERN BOUNDARY LINE OF THE TOWN OF CHESTERTOWN

BEGINNING for the same, at a point in the center of the bridge where the Public Road from Chestertown to Tolchester crosses Radcliffe Creek, said beginning point being the same as described in Section 47 titled "Boundaries" as set down in The Code of Public Laws of Kent County 1959 Edition;

THENCE, leaving said beginning point so fixed and running to the northern-most right-of-way line of Maryland Route 20, South 82° 12' 54" West 437.69 feet to a point;

THENCE, continuing along the northernmost right-of-way line of Maryland Route 20, South 65° 02' 22" West 1373.03 feet to a point at the intersection of the division line between the lands now or formerly of Jane B. Sprinkle, and the lands now or formerly of Phillip M. Brooks, Jr.;

THENCE, leaving Maryland Route 20 and binding partly on the aforesaid division line, North 02° 33' 21" West 1704.94 feet to a point along the southernmost outline of the lands now or formerly of Frank Hogans;

THENCE, binding on the southernmost outline of the Hogans lands, South 84° 23' 41" West 435.18 feet to a point along the southernmost outline of the lands of the County Commissioners of Kent County;

THENCE, with the southernmost and westernmost outline of the aforesaid

County Commissioners lands, the three following courses and distances:

South 84° 23' 30" West 459.00 feet to a point, thence North 04° 06' 48" West
651.92 feet to a point, and thence North 02° 24' 02" West 158.56 feet to
a point;

THENCE, binding on the northernmost outline of the aforesaid Commissioners' lands, and crossing Maryland Route No. 514, North 83° 28' 52" East 735.54 feet to a point on the easternmost right-of-way line of the aforesaid Maryland Route No. 514;

THENCE, binding on the easternmost right-of-way line of Maryland Route No. 514, the six following courses and distances: North 29° 59' 59" West 2128.87 feet to a point of curvature, thence with the arc of a curve to the left, 592.91 feet to a point of tangency, said curve having a radius of 2889.79 feet and scribed by a chord of North 35° 52' 38" West 591.87 feet; thence North 41° 45' 20" West 135.70 feet to a point of curvature, thence with the arc of a curve to the right 1041.67 feet to a point of tangency, said curve having a radius of 1884.86 feet and scribed by a chord of North 26° 07' 48" West 1015.34 feet; thence North 10° 30' 12" West 147.63 feet, and thence North 37° 46' 59" East 59.26 feet to a point along the southernmost side of Cromwell Clark Road;

THENCE, leaving Maryland Route No. 514 and binding on the southernmost side of Cromwell Clark Road and the northernmost outline of the lands of Alfred E. Hickman, North 88° 44' 20" East 565.39 feet to a point on the northernmost boundary of the lands now or formerly of the Coventry Farm;

THENCE, continuing along the southernmost side of Cromwell Clark Road and the northernmost outline of the aforesaid lands of Coventry Farm, the three following courses and distances: North 77° 23' 01" East 1935.64 feet to a point, thence North 80° 13' 51" East 1122.00 feet to a point, and thence North

76° 43' 51" East 511.42 feet to a point along the westernmost right-of-way line of the lands of The Maryland Department of Transportation:

THENCE, binding on the aforesaid right-of-way line, South 17° 14' 29" East 92.09 feet to the lands now or formerly of Millard F. Reed, Jr.;

THENCE, leaving the Maryland Department of Transportation lands and binding on the westernmost outline of the aforesaid Reed lands, South 02° 56' 11" West 1848.94 feet to a point;

THENCE, binding on a portion of the southernmost outline of the Reed lands and the southernmost outline of the lands of Edwin C. Fry, the two following courses and distances: South 60° 16' 29" East 270.50 feet to a point, and thence South 78° 58' 49" East 548.02 feet to a point along the westernmost right-of-way line of the aforementioned lands of the Maryland Department of Transportation;

THENCE, running across the aforesaid lands, South 79° 19' 25" East 79.21 feet to a point at the northwesternmost corner of a subdivision known as Foxley Manor;

THENCE, leaving the lands of the Maryland Department of Transportation and binding on the northernmost outline of Foxley Manor and crossing U.S. Route No. 213, South 78° 58' 12" East 1413.92 feet to a point along the easternmost right-of-way line of the aforesaid U.S. Route 213;

THENCE, binding on the easternmost right-of-way line of U.S. Route 213, the two following courses and distances: with the arc of a curve to the right having a radius length of 924.93 feet and scribed by a chord of North (3° 36' 34" East 310.54 feet, and thence North 23° 17' 27" East 935.21 feet to a point at the intersection of the division line of the lands now or formerly of Ina Rae Levey;

THENCE, leaving U.S. Route No. 213 and binding on the aforesaid division line South 66° 48' 38" East 705.78 feet to a point on the easternmost right-of-way line of Center Road;

THENCE, binding on the easternmost right-of-way line of Center Road, the two following courses and distances: South 01° 20' 03" West 931.78 feet to a point, and thence South 25° 26' 20" East 334.52 feet to a point located along the southernmost outline of the lands now or formerly of George F. Scheeler;

THENCE, leaving Center Road and binding on the aforesaid outline, North 63° 23' 55" East 1274.45 feet to a point along the westernmost outline of the lands of the Department of Health and Mental Hygiene;

THENCE, binding on the perimeter outline of the aforesaid lands, the four following courses and distances: North 27° 26' 29" West 840.00 feet to a point, thence North 63° 23' 55" East 1040.00 feet to a point, thence South 27° 26' 29" East 840.00 feet to a point, and thence South 63° 23' 55" West 917.01 feet to a point located at the northwesternmost corner of the lands now or formerly of William J. Bringman;

THENCE, binding on the westernmost outline of the aforesaid Bringman lands, South 25° 17' 50" East 106.54 feet to a point located at the south-easternmost corner of Scheeler Road, said point further being located at the end of the eleventh or North 52° 08' 40" East 1139.56 foot-line as contained in the description of the Annexation to the Town of Chestertown in 1980.

February 5, 1996.

C. Daniel Saunders, Atty. 106 Church Alley Chestertown, Md.

Dear Mr. Saunders:

Last January, at the request of Paul Bowman, attorney for the Town of Chestertown, I plotted the lines of annexation around the Scheeler property on an aexial photo. It was my conclusion that there was an error in the annexation description. This was later confirmed by a letter from McCrone, Inc. who did the survey. I was unable to analyze the source of error, and I did not pursue it.

Recently, you asked for my reaction to the theory that the original annexation line along the east side of Md. Rte. 213 (N 23 17 27 E - 935.21') ran not to the division line between Scheeler and Levy but to the northwest corner of the retention pond lot that Levy had the use of. It then followed the northeast side of this pond area extended (S 66 48 38 E - 705.78') to meet the extension of the east side of Center Road (S 01 20 03 W - 931.78').

Using the data on the Walmart plat I calculated the intersection of the two lines and found that the distances came very close to the original annexation figures (704.04 'and 935.46'). I did the same thing using the data on a plat by McCrone entitled "Part of the Lands of Bittorf Ford, Inc.", dated Jan. 1989. The roults were not quite as close (703.83' and 936.29'). This, together with a discovery of a plat entitled "Chestertown Village" by McCrone showing a possible intersection of the run-off pond line with Center Road strongly indicates to me that the theory is correct. The fact that there is another discrepancy between the annexation description and what actually exists tends to cloud the picture somewhat.

Another point that tends to support the theory advocated by you is the corrected distance given by McCrone for the length of the N 23 17 27 E line along Md. Rte. 213. The original was 935.21' and the corrected one was 692.21'. The difference is 243', the same as is shown as the lot frontage for th retention pond lot on the Chestertown Village plat.

It is my belief that whoever made the calculations for for the original annexation used the northeast side of the retention pond lot and its extension to Center Road in his figuring. Whether this was the intent or whether this was the understanding between McCrone and the town authorities, I have no way of knowing.

Sincerely yours,

January 22, 1996.

C. Daniel Saunders, Atty. 106 Church Alley Chestertown, Md.

Dear Mr. Saunders:

Enclosed are plats showing the Scheeler tract and adjacent properties. I have added a copy of a sketch that I did for the Town of Chestertown concerning the town lines in that area.

The Scheeler plats (MLM 1/363 and 363A) show four parcels. I ran a mathematical closure on Parcel 1 and a combination of the other three, and both checked as to closure and acreage. I have also shown on one of the enclosed copies distances from the Scheeler plat and those of surveys of neighboring lands. These match fairly well except along Center and Scheeler Roads. Considering the fact that this area was subdivided piecemeal it is not surprising to find these discrepancies.

Last January the town asked me to try to resolve the dispute over the annexation town lines. Working strictly from the annexation description and an aerial photo, I came to the conclusion that the description did not fit the various call such as Md. 213, Scheeler Road, and the health center. This was later confirmed by a letter from Mr. Whitehill of McCrone, Inc. who sent Mr. Bowman an amended description. I have shown these corrected lines on one of the plats.

My conclusion is that the Scheeler survey is an accurate one that conforms to adjacent properties; and that, except for the southern part of Parcel 2, no other part of the Scheeler lands lies within the town lines of Chestertown.

Sincerely yours,

- 7. With respect to the letter from William R. Nuttle to C. Daniel Saunders, dated February 5, 1996, and produced by the Town of Chestertown on July 17, 1997:
- (a) The plotting performed by Mr. Nuttle "last January" of the lines of annexation around the Scheeler property on an aerial photo, as referenced in the first paragraph.
- (b) The letter from McCrone, Inc. that confirmed Mr.

 Nuttle's finding of an error in the annexation description, as referenced in the first paragraph.
- (c) The plat by McCrone entitled "Part of the Land of Bittforf Ford, Inc." dated January 1989, as referenced in the third paragraph.
- (d) The original document(s) showing the "original ""distance given by McCrone" of 935.21 feet, as referenced in the fourth paragraph.
- (e) The document(s) showing the "corrected distance given by McCrone" of 692.21 feet, referenced in the fourth paragraph.
- (f) Documents referred to as "the original annexation" in the fifth paragraph of the letter.
- (g) Documents relating or pertaining to "another discrepancy between the annexation description and what actually exists", as referenced in the third paragraph of Mr. Nuttle's letter.

PHILIP W. HOON

ATTORNEY AT LAW
104 S. CROSS STREET
CHESTERTOWN, MD 21620

TELEPHONE (410) 778-6600 FAX (410) 778-6637

August 1, 1997

Mr. William Nuttle P.O. Box 371 Chestertown, MD 21620

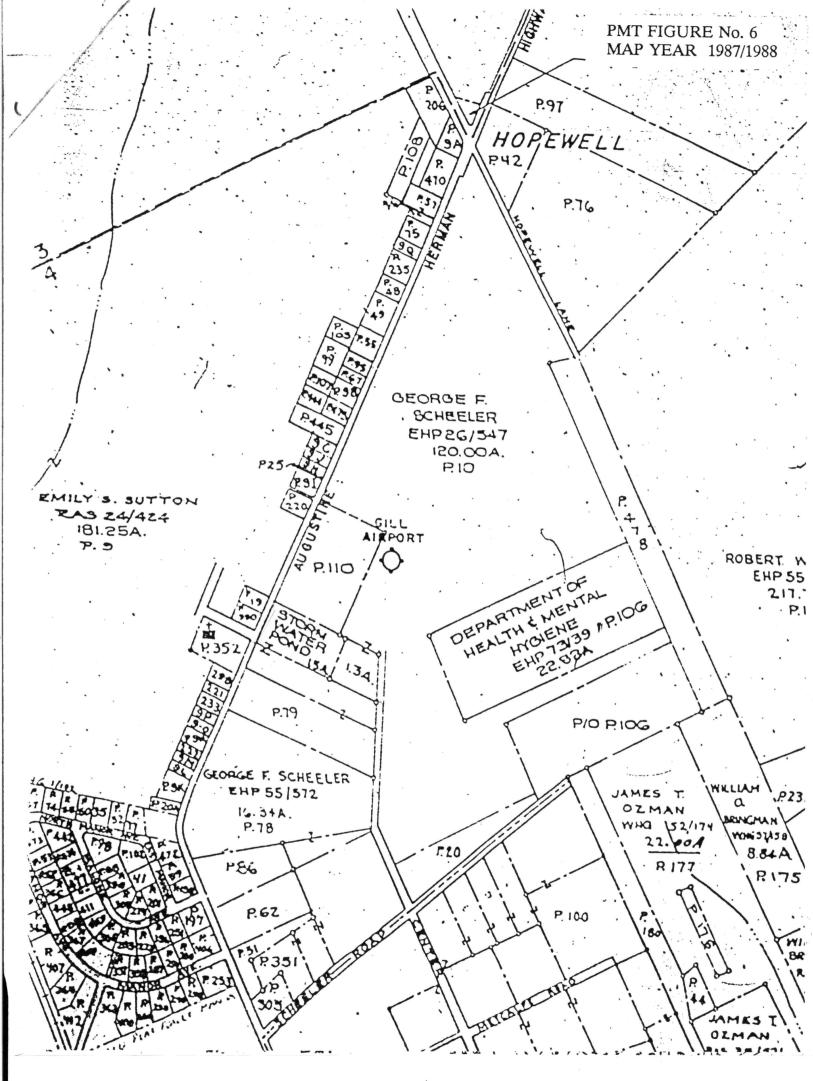
Re: Chestertown Wal-Mart—Town Boundary Action

Dear Bill:

In connection with the dispute relating to the Chestertown boundary, Wal-Mart Stores, Inc. has filed a request for production of documents. Item 7 of that request, a copy of which is enclosed, requests certain information relating to the letter you sent to Dan Saunders on February 5, 1996. I would be grateful if you could forward to me that information so I might be able to produce it as requested. Thanks.

Philip W. Hoon

PWH:c

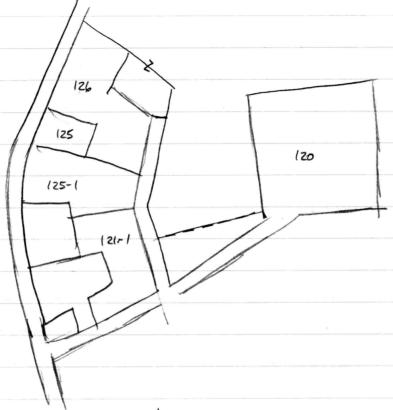


R/W

Begin at inter N R/W Schooler Rd. & W side Center Rd extended wh w R/w Center along east side Rock Hall Lember N 16°50 25" w - 492,17 to C.M. at con. Obest Vellage still with W/R/w Center Rd. N 09°56 E - 701.91 to C.M. Crossing rd. 580°04' E · 50.00

509°56 w - 690.01

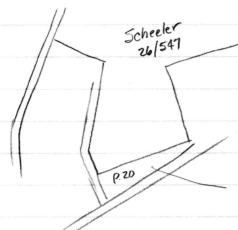
516°50' 25" E · 469.64 to N side Schooler Rd. 561°09' 35" w · 51.12 to begin



126 Ina Rae Levy E 52/443 125 GMSD Realty E 298/?

125 Somers E 271/447
120 Dept Health & Mental Hygiene E 73/39

EMP1 (139



mcm 36/466 Joan F. Baxter et. al. 2.93 Ac.

Cresack 61/772

Begin C.M. at con Brugman at 5 side Scheeler Rd.

Said point being 5 25°17'50" E 107.68 grown 1.P. et con Brugman
other lands of Scheeler

& herein

W/E side Scheeler Rd and div. line leturous herein and Blingman 525°17'50'E. 1006.33 to C.M. at con. Brungman, Ogman & herein by Ogman 564° 47'40°W-199.46 on 5 side Nulcalfe Ra. leaving Ogman with 4 new lines through Scheeler

1. N 25°12'30"01-50 to N side Metcaff Rd.

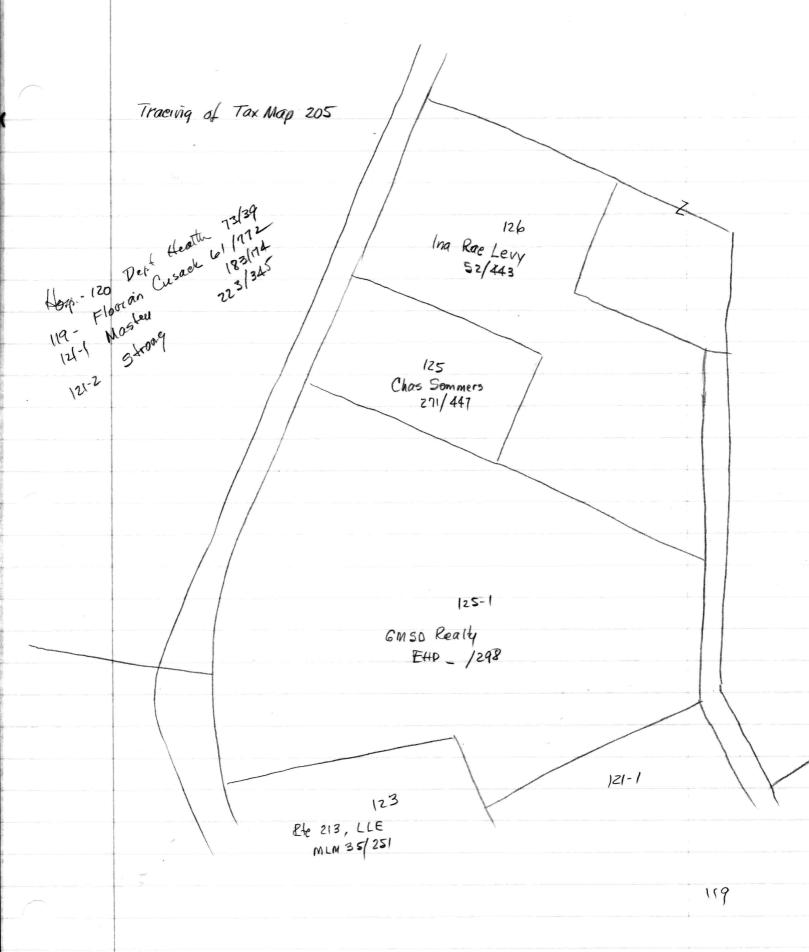
W/3 564°47'40"6 - 292.11

leaving ed. N 25°12' 20'0 - 350

564° 47'40° 0 - 622 to E side Centre Rd.

ω/ Rlw N 25° 12' 20' ω - 356.77 to énter € side Centre \$ 5€ Schoole Rd. wof Scheeler Rd. N 52°08' 40' € - 1139.55 to begin

31 Son Coose Co.



Scheeler to Levy E 52/443 pour Begin 1.P. on E side US 213 (30 from Sta. 50+37.27 on Plat 8840 said pt. being N along R/W 1120.57 from NW con. R.H. Lumber to Oon telly EHP 35/448 wf U.S. 213 N 31° 53 Z3" €- 139.94 to C.M. Wf new line 558° 12' 41° E - 750.01 to C.M. on W Rlw Center Rd. extended (50' wide) W/w side Center Rd. 509°56 W- 150.78 to 1.P. when line N 58°12' 41" W-806.35 to begin MCC 1973

Parcel 2

Begin 1.P. on E side U.S. 213 (at 47+83.27) also N 866.57 from NW cor. Kelly W/E side id. N31°53'23"W - 254 to 1.P. wo naw line 558° 12' 41" E- 80635 to 1.P. on W side Center Rd. W/ R/W of Nd. 509° 56' W-273.67 to 1.P. We new line N 58° 12' 41"W - 908.60 to begin

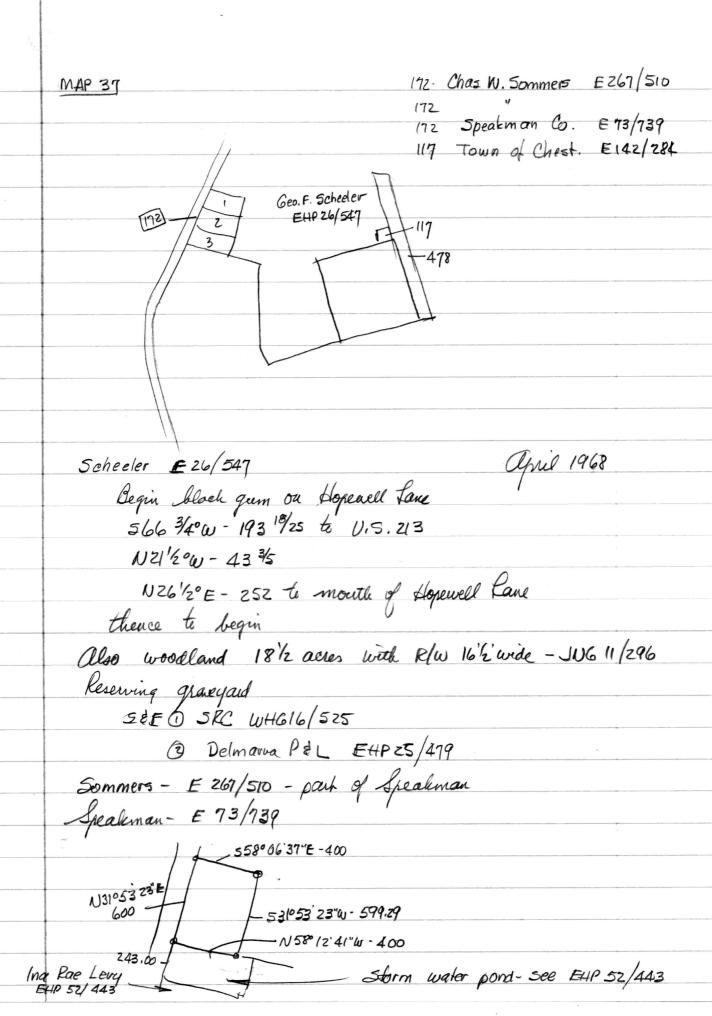
Together with rese of run off pond

Begni CM. ou rd.

W/1d. N 31º 53 23" E - 743' ± to point 531° 53' 23" W - 285' ± 285't from 500 Cor Speckman

558° 12'41"E - 448 ± 531° 53 23"W- 243't to Levy Wfs N 58° 12' 41" w - 448:01 to begin

Tojettu with R/w (Cont)



Pacel 1 - Speakman

267/\$10 Parcels 2 i 3 Sommers

Geo. F. Scheeler

EHD 26/\$47

W/ E side 213

1. Curve Chard: N13°36 34"E- 310.54

NZ3° (7'27' € - 935.21 to line of Ina fac hevey 803.67 566° 48' 38" E - 705.78 to E R/W Center Rd.

501°20'03"W-93178 66946

525°26'20' E- 334.52 to 5 side Scheder land 990.69 W/S N 63°23'55" E- 1274.45 to mental beauth

W/S NZ7º26'Z9"W-840

N63º 23 55"E - 1040

927°26'29"E-840

563023'55"W - 917.01 to Bugman

Ufs 5 250 17' 50'E- 106.54 to SE cor. Selecter Rd.

--- 5 52°08'40"W-1139.56

EHP 52/ 443 Schulu to Luy

Parch Begin 1.P. on E R/W (30' from R), said pt.

being N 1120.57 from NW cor Rock Hall Lumber to Kelley

Whd. N 31°53' 23" E - 139.94 to C.M.

Wf new line 558° 12' 41" E - 750.01 to C.M. on W R/W

Center Rd. Eftended (50' R/W)

Wf W R/W Center Rd. 509° 56' W - 150.78 to 1.P.

W/ new line N 58° 12' 41" W - 806.35 to begin

Parcel 2 Begin 1. P ou E ade rd. at pt. 866.57 from NW cor Roch Hall Limber to Don Kulley N31° 53'23"W - 254 to 1.P.

> wf new him 558° 12'41" € -806.35 to 1.P. ≥ W side Center w/5 509°56'W -273.67 to 1.P. w/new him N 58°12'41" W - 908.60 to begin

Josetha with right to use storm water poad

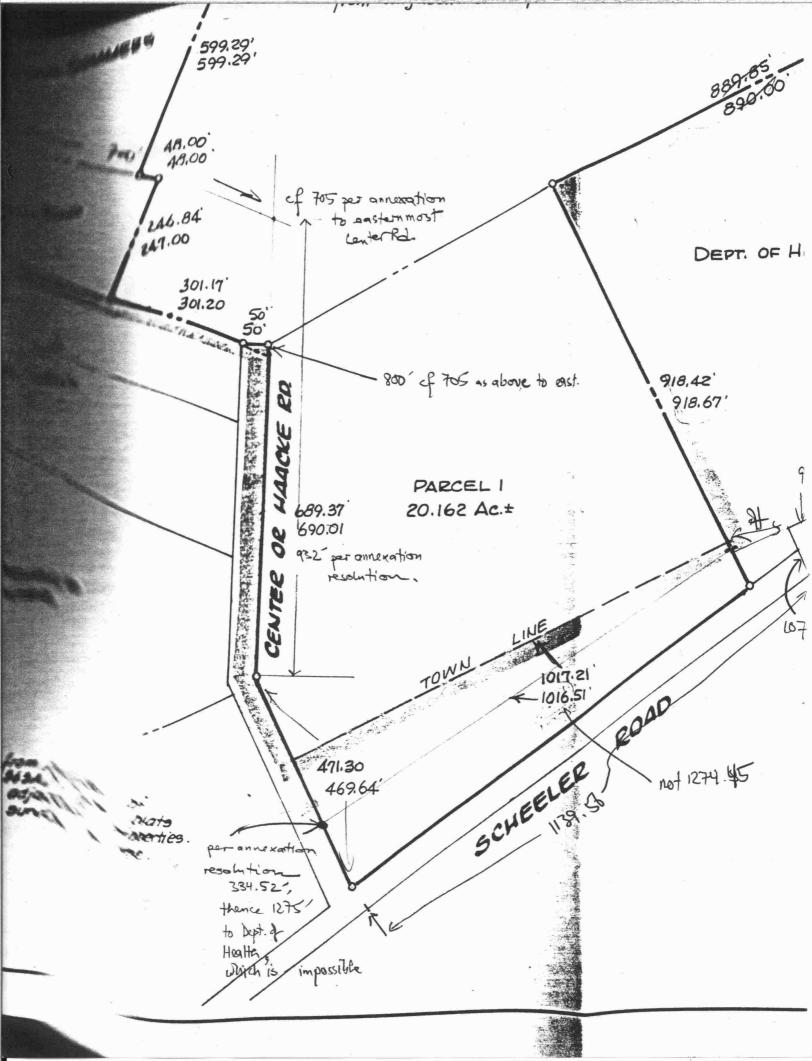
Digni Cim on E seide 18. at N con of Schede to Levy

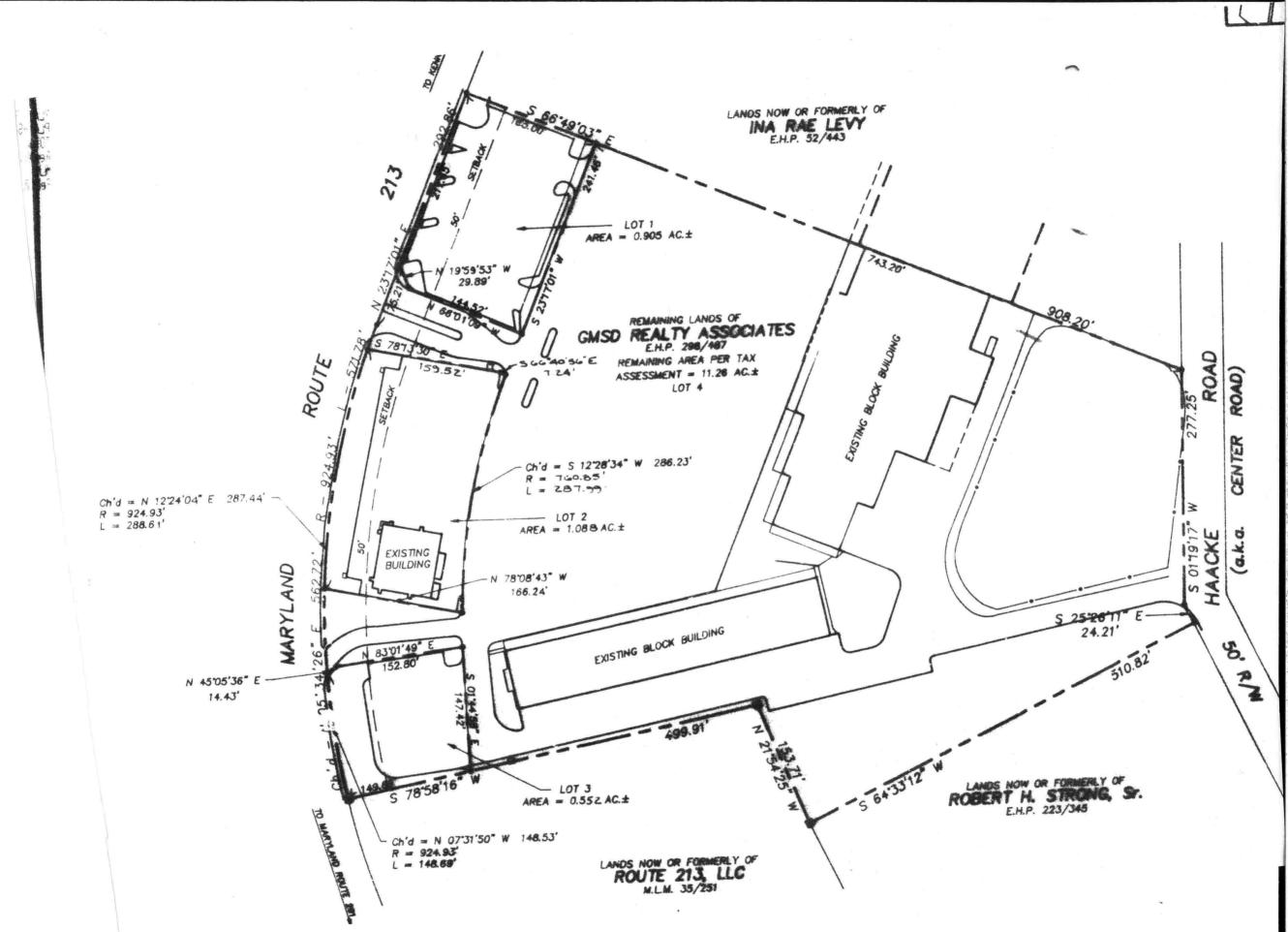
N 31°53' 23" E - 243' ± to point 285' ± from 5 w con Speakmen

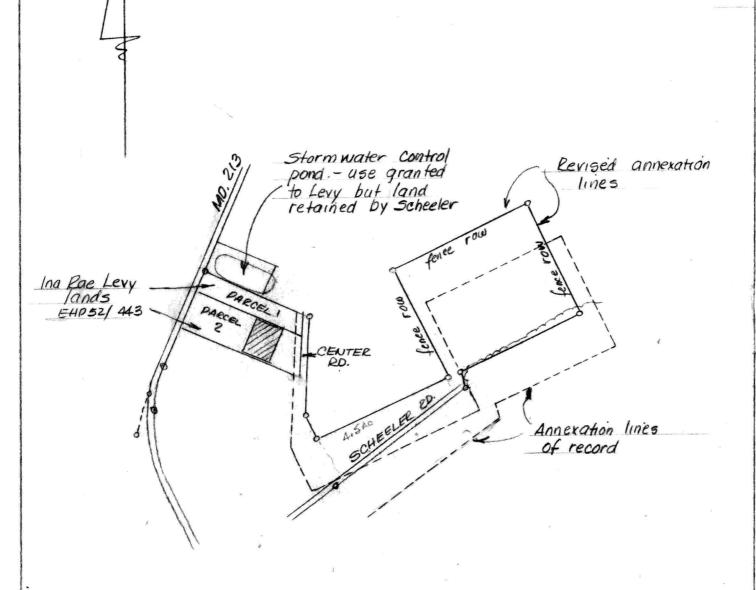
285' option
to be speakmen 558° 12' 41" E - 448' ± to pt.

31°53' 23" 6 - 243 ± to 15 750 of line of larg

wfs N 58° 12' 41" 6 - 448.01 to begin







Note: This plat was drawn from various descriptions Superimposed on a U.S.D.A. aerial photo.

PLAT SHOWING TOWN LINES CHESTERTOWN, MD. Scale I"=660 Jan.1994

> William R. Nutle, Reg. Surveyor Chestertown, Md.

